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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 10, 2002

APPLICATION OF

ONE CALL CONCEPTS, INC.

CASE NO. PUE-2002-00380

For revocation of certificates
of existing certificate holders,
for certification as a
notification center, and for a
waiver of 20 VAC 5-300-90 B 3 (c)

ORDER FOR NOTICE AND HEARING

On July 5, 2002, One Call Concepts, Inc. ("OCC" or the "Company"), filed an application ("Application") with the State Corporation Commission ("Commission") requesting that the Commission grant the Company a certificate to operate as the single one-call notification center provider serving the Commonwealth of Virginia as a whole. The Application further requests that the Commission revoke the certificates of the two current certificate holders which each have a separate service territory in the Commonwealth.¹

OCC supplemented its Application on September 13, 2002, to provide additional information necessary under the Commission's

¹ The Northern Virginia Utility Protection Service, Inc. ("NVUPS"), is the currently certificated notification center for the area generally north of the Rappahannock River. The Virginia Underground Utility Protection Service, Inc. ("VUUPS"), holds the certificate to operate the notification center in territory south of the Rappahannock River.

Rules Governing Certification, Operation, and Maintenance of Notification Center or Centers, 20 VAC 5-300-90 ("Notification Center Rules").²

According to the Application, OCC wishes to operate a single notification center to provide one-call notification services to the entire Commonwealth. The Company therefore requests that the Commission revoke the certificates held by NVUPS and VUUPS. The Application contains the Company's arguments as to why such a revocation would be appropriate. The Application also provides information about OCC facilities and operations, as well as certain of the Company's plans for providing notification services across the Commonwealth should OCC be granted the statewide certificate.

Rule 20 VAC 5-300-90 B 3 (c) requires that "[m]aterial detailing the support of persons who potentially may be impacted by the services provided by the notification center, including excavators, operators, contract locators, property owners, and localities" be filed with an application for a certificate as a notification center. In the supplement filed September 13, 2002, OCC indicated that the Company anticipated letters of

² The Staff of the Commission's Division of Utility and Railroad Safety reviewed OCC's Application filed July 5, 2002, and determined that it was incomplete. The Company was requested to provide information in accordance with 20 VAC 5-300-90 B 3 (c), (d), (e), and (f), as well as 20 VAC 5-300-90 C (9) and (15).

support for its Application would be forthcoming, and that such letters would be filed with the Commission.³

On November 7, 2002, OCC filed a Motion to Waive Rule 20 VAC 5-300-90 B 3 (c) Requiring Evidence of Support ("Motion"). OCC requests a waiver from filing any additional written support. In the alternative, OCC requests that the Commission determine that Rule 20 VAC 5-300-90 B 3 (c) has been satisfied.⁴

On November 27, 2002, NVUPS and VUUPS filed a Response to Motion to Waive Rule 20 VAC 5-300-90 B 3 (c) Requiring Evidence of Support ("Response"). NVUPS and VUUPS request an opportunity to file a substantive response to OCC's Motion.

NOW UPON CONSIDERATION of this matter, the Commission is of the opinion and finds that the Application should be docketed and that a public hearing should be scheduled. The Company will be required to provide public notice of its Application as prescribed below. Interested persons will be given the opportunity to participate in this matter, and a procedural schedule will be established as prescribed herein. We will assign a Hearing Examiner to conduct all further proceedings on behalf of the Commission.

³ Based on the Company's statement that letters of support later would be filed with the Commission, the Application was not considered complete on September 13, 2002.

⁴ OCC's Application was deemed complete on November 7, 2002.

We note that the Notification Center Rules do not require that a specific amount or a specific type of material detailing the support of persons who potentially may be impacted by the services provided by the notification center accompany an application for certification as a notification center. We will, therefore, deny the Company's Motion for a waiver of 20 VAC 5-300-90 B 3 (c) because such a waiver is unnecessary. We will consider whatever evidence of support submitted.

As provided herein, through prefiled testimony and exhibits, as well as an opportunity for cross-examination at the hearing scheduled in this matter, NVUPS and VUUPS and other interested parties will have an opportunity to address the issues, including any evidence of support, raised by OCC in its Application and any additional direct testimony, exhibits, and other material supporting its Application.

Accordingly, IT IS ORDERED THAT:

(1) One Call Concepts, Inc.'s Application is hereby docketed as Case No. PUE-2002-00380.

(2) One Call Concepts, Inc.'s Motion is hereby denied, rendering the Response of NVUPS and VUUPS moot.

(3) As provided by § 12.1-31 of the Code of Virginia and Rule 5 VAC 5-20-120 of the Commission's Rules of Practice and Procedure, a Hearing Examiner is appointed to conduct all

further proceedings in this matter on behalf of the Commission and to issue a final report herein.

(4) A public hearing shall be convened on April 2, 2003, at 10:00 a.m., in the Commission's Courtroom, Second Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia, to receive evidence on the Application. Any person desiring to make a statement at the public hearing concerning the Application need only appear in the Commission's Second Floor Courtroom at 9:45 a.m. on the day of the hearing and identify himself or herself to the Bailiff.

(5) Interested persons may obtain a copy of the Application, at no cost, upon written request to the Company's counsel, Gregory D. Grant, Esquire, and James M. Hoffman, Esquire, Shulman Rogers Gandal Pordy & Ecker, P.A., 11921 Rockville Pike, Rockville, Maryland 20852-2743. If acceptable to the requesting individual, the Company may provide the Application, with or without attachments, by electronic means. Interested persons may also review a copy of the Application in the Commission's Document Control Center, located on the First Floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday.

(6) On or before December 13, 2003, OCC shall serve a copy of its Application on counsel for NVUPS and VUUPS, Guy T. Tripp

III, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 Byrd Street, Richmond, Virginia 23219-4074.

(7) On or before December 13, 2003, counsel for NVUPS and VUUPS shall provide a list of the names and addresses of the members of VUUPS to counsel for the Company at the address set forth in Ordering Paragraph (5) above.

(8) On or before January 3, 2003, OCC shall provide a copy of the notice of its Application prescribed in Ordering Paragraph (10) below to the members of NVUPS and VUUPS. Service may be made by first-class mail to the customary place of business or residence of the person served or via electronic means.

(9) On or before January 3, 2003, OCC shall provide a copy of the notice of its Application prescribed in Ordering Paragraph (10) below on the chairman of the board of supervisors and county attorney of each county and upon the mayor or manager of every city and town (or upon equivalent officials in counties, towns and cities having alternate forms of government) throughout the Commonwealth, who are not otherwise being served notice of the Company's Application pursuant to this Order. Service shall be made by first-class mail to the customary place of business or residence of the person served.

(10) On or before January 3, 2003, OCC shall complete publication of the following notice as classified on one

occasion in major newspapers of general circulation throughout the Commonwealth of Virginia:

NOTICE TO THE PUBLIC OF AN APPLICATION BY
ONE CALL CONCEPTS, INC., FOR REVOCATION
OF CERTIFICATES OF EXISTING CERTIFICATE HOLDERS
AND FOR CERTIFICATION AS A NOTIFICATION CENTER
CASE NO. PUE-2002-00380

One Call Concepts, Inc. ("OCC" or the "Company"), has filed an application ("Application") with the State Corporation Commission ("Commission") requesting the Commission grant the Company a certificate to operate as the single one-call notification center provider serving the Commonwealth of Virginia as a whole. The Application further requests that the Commission revoke the certificates of the two current certificate holders, Northern Virginia Utility Protection Service, Inc., and Virginia Underground Utility Protection Service, Inc., which each have a separate service territory in the Commonwealth.

Copies of the Application are available, at no cost, upon written request to counsel for OCC, Gregory D. Grant, Esquire, and James M. Hoffman, Esquire, Shulman Rogers Gandal Pordy & Ecker, P.A., 11921 Rockville Pike, Rockville, Maryland 20852-2743. Interested persons may also review a copy of the Application and the Commission's Order in the Commission's Document Control Center, located on the First Floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday. A copy of the Commission's Order may also be obtained on the Commission's website, <http://www.state.va.us/scc/caseinfo/orders.htm>.

A public hearing on the application will be held on April 2, 2003, at 10:00 a.m., in the Commission's Courtroom, Second Floor, Tyler

Building, 1300 East Main Street, Richmond, Virginia. Public witnesses desiring to make statements at the hearing concerning this application need only appear in the Commission's Second Floor Courtroom in the Tyler Building at 9:45 a.m. on the day of the hearing and register a request to speak with the Commission's bailiff.

Any interested person may comment on the Application by filing, on or before January 21, 2003, an original and 15 copies of such comments with the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118.

Any interested person may participate as a respondent in the proceeding by filing, on or before January 21, 2003, an original and 15 copies of a notice of participation with the Clerk of the Commission at the address set forth above. Interested parties should obtain a copy of the Commission's Order for further details on participation as a respondent.

All filings with the Clerk of the Commission shall refer to Case No. PUE-2002-00380 and shall simultaneously be served on counsel for the Company at the address set forth above.

ONE CALL CONCEPTS, INC.

(11) On or before December 20, 2002, OCC shall file with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, an original and 15 copies of any additional direct testimony, exhibits, and other material supporting its Application. OCC

shall serve a copy of any such filing on Staff and all respondents.

(12) On or before January 16, 2003, OCC shall file with the Clerk of the Commission at the address set forth in Ordering Paragraph (11) above proof of the publication and service required in Ordering Paragraphs (8), (9), and (10).

(13) Any interested person may participate as a respondent in this proceeding by filing, on or before January 21, 2003, an original and 15 copies of a notice of participation with the Clerk of the Commission at the address set forth in Ordering Paragraph (11) above. Such notice shall simultaneously be served on counsel for the Company at the address set forth in Ordering Paragraph (5) above. Pursuant to Rule 5 VAC 5-20-80 of the Commission's Rules of Practice and Procedure, any notice of participation shall set forth (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Interested parties shall refer in all of their filed papers to Case No. PUE-2002-00380.

(14) Within five (5) business days of receipt of a notice of participation as a respondent, the Company shall serve upon each respondent a copy of the Application and all materials filed with the Commission, unless these materials have already been provided to the respondent.

(15) On or before February 14, 2003, each respondent shall file with the Clerk of the Commission at the address set forth in Ordering Paragraph (11) above an original and 15 copies of any testimony and exhibits by which the respondent expects to establish its case and shall serve copies of the testimony and exhibits on counsel for the Company, Staff, and all respondents.

(16) The Commission Staff shall investigate the Company's Application and, on or before March 14, 2003, shall file with the Clerk of the Commission an original and 15 copies of the Staff's testimony and exhibits regarding the Application and shall promptly serve a copy on counsel for the Company and all respondents.

(17) On or before March 24, 2003, the Company shall file with the Clerk of the Commission at the address set forth in Ordering Paragraph (11) above an original and 15 copies of any rebuttal testimony that OCC expects to offer in rebuttal to the testimony and exhibits of the respondents and the Commission Staff. The Company shall on the same day serve one copy on Staff and all respondents.

(18) OCC and all respondents shall respond to written interrogatories within seven (7) calendar days after receipt of the same. Except as modified above, discovery shall be in accordance with Part IV of the Commission's Rules of Practice and Procedure.